

# Hazardous Waste Connection

*Compliance Information for Generators in Kansas*

Fall/Winter 2000

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## WHICH WASTES COUNT? . . . . . *Determining Your Generator Status*

Are you managing certain wastes as hazardous that may be non-hazardous or exempt from the hazardous waste regulations? Or, are you overlooking small quantities of hazardous wastes that you are disposing in the trash such as rags or masking tape? Do you know which wastes should be counted towards your monthly generation rate and which should not? One reason for accurately determining your hazardous waste generation rate is to minimize the number of regulations you must comply with. In Kansas, facilities that generate less than 55 pounds of hazardous waste monthly have the most flexibility in their disposal options and the fewest number of regulations to follow. On the other hand, facilities that generate over 2,200 pounds of hazardous waste monthly, are subject to numerous regulations that have become increasingly complex over the years. Your monthly generation rate is the total weight of all hazardous wastes generated at your facility including:

- ✓ Hazardous waste solvent that is recycled on site (count each and every time it becomes a waste);
- ✓ Hazardous waste packaged and transported off site;
- ✓ Hazardous waste removed from exempt units, such as sludges or dusts from pollution control systems;
- ✓ Hazardous waste stored in satellite accumulation containers;
- ✓ Precious metals that are being reclaimed from hazardous waste, such as silver reclaimed from photo processing film or from dental wastes;
- ✓ Recyclable materials that are being accumulated past the speculative accumulation period (generally over one year).

- ✗ The following waste streams are not included when determining your generator status:
- ✗ Materials that are not a solid waste when used or reused, provided the material are not being reclaimed;
- ✗ Materials used or reused as an effective substitutes for commercial products;
- ✗ Materials returned to the original process that generated them without first being reclaimed,
- ✗ Characteristic sludges or by-products and commercial chemical products that are being reclaimed,
- ✗ Hazardous waste managed immediately upon generation in onsite elementary neutralization units, wastewater treatment units or totally enclosed treatment units;
- ✗ Hazardous waste excluded from the regulations including domestic sewage, industrial wastewater discharges regulated under the Clean Water Act Section 402, and others listed in 40 CFR 261.4(a) and (b);

### *Hazardous Waste Connection*



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# Lower Your Liability; Reduce Your Waste

*By Bill Bider, Director, Bureau of Waste Management*

The feature article in this edition of Hazardous Waste Connection provides guidance for accurately determining your generator status. That article points out that facilities can minimize their regulatory burden by reducing waste generation. Many registered generators have never evaluated opportunities to reduce or eliminate hazardous waste generation; thus, they maintain their "regulated status" in Kansas, one of the three generator categories. I want to challenge every generator to look closely at their waste streams to determine whether a change in status is possible, including the total elimination of hazardous wastes.

Many generators produce only one or two hazardous waste streams. The use of oil-based paints and related cleaning solvents is still common and users almost always generate hazardous waste. Most traditional degreasing solvents are also hazardous wastes when disposed because they are "listed wastes" or "ignitable." Over the past 15 years, paint and chemical manufacturers have developed new products which perform well and which are generally not hazardous when wasted. Manufacturers have produced low VOC paints and solvents to satisfy the strict air pollution regulations in areas with significant ozone pollution such as southern California, Denver, and cities in the northeast. A secondary benefit of these efforts was the development of many products which could be disposed of as non-hazardous solid waste or, in the case of water-based cleaners, in sanitary sewer systems.

Product substitutions are now possible for nearly all painting and solvent degreasing applications. Resources are available from the KDHE public advocate, the Kansas State Small Business Environmental Assistance Program, the Bureau of Waste Management, and other industry sources. Phone numbers for the state contacts are presented in this newsletter. I encourage you to take a serious look at replacing your products which cause you to generate hazardous waste. Remember if you do eliminate one or more hazardous waste streams, you should let us know that your generator status has changed.

*(Continued from Page 1)*

## Which Wastes Count?

- ✕ Used oil that is recycled or otherwise managed under the used oil regulations;
- ✕ Universal wastes (spent fluorescent lamps, batteries) managed under the universal waste regulations; and
- ✕ Weight of containers holding hazardous wastes.

Knowing whether you generate a hazardous waste is usually obvious; however, determining whether each waste stream should be counted when calculating generator status is more complicated. You need to know if the waste is exempt, or if it is listed or if it meets a characteristic. State and federal regulations require generators to make this determination. This determination can be made by either your knowledge of the process or by testing. If testing is required, in Kansas you must use a lab that is certified by the Kansas Department of Health and Environment to run these analyses.

If you are confused or have questions about determining whether a waste is hazardous, don't hesitate to get help. You may want to consult an outside source to help you. And don't forget, our department can help. Department contacts and phone numbers are on the back page of this newsletter. Good luck to you in this endeavor.

## Hazardous Waste Regulations to be Updated

*by John Mitchell*

The Kansas Administrative Regulations addressing hazardous waste management are in the process of being updated. These regulations, K.A.R. 28-31-1 through 28-31-16 were last updated in 1999 to include the majority of federal hazardous waste regulatory provisions implemented by the U.S. Environmental Protection Agency through July 1, 1996. This year's update will include most of the federal hazardous waste and used oil regulations in effect as of July 1, 2000. Public comment on the proposed changes will be welcome. Watch for publication this spring or contact John Mitchell by phone at 785/ 296-1608 or by e-mail at [jmitchel@kdhe.state.ks.us](mailto:jmitchel@kdhe.state.ks.us) for more information.





By Mary Bitney

*NOTE - This article is primarily for those facilities that have never been inspected. Its purpose is to give those readers an idea of what to expect when an inspector arrives and how to prepare for an inspection.*

It's 8:30 in the morning and I'm on my way to conduct the hazardous waste inspection at the B9 facility here in town. I reviewed our files before I left and it seems we have never inspected the B9 company before. They did submit a notification form back in 1992 and notified as a Kansas Generator. However, since it's been so long, I don't know if the information and contact name are still the same.

Well, here I am at B9. I drove around the block to see what the back of the property looks like first. I didn't see any piles of trash or junk, everything was neat and organized. From the outside it appears they take pride in their appearance; hope the inside is the same.

Got right in to see the facility contact with no delays at the front door. Under Kansas law, I have the right to conduct an inspection at any reasonable hour of the day. Even though I know I got him out of a meeting, he's been polite and helpful.

The first of three inspection phases was a preliminary interview with the facility contact. During this interview, I asked the facility contact to answer the following questions: (1) describe the type of business or manufacturing done at the site; (2) provide the number of employees; (3) identify any possible trade secrets; (4) identify and provide monthly quantities of all wastes generated at the facility; and (5) state what waste disposal methods the facility uses.

Now we've started the second phase of the inspection, a plant tour. During the tour, I want to observe all processes that may generate waste and inspect those areas where the wastes are stored. I'll ask the facility contact and plant workers, if needed, questions about things I observe. Several times the facility contact has told me he didn't understand my question or asked me to clarify a question. I don't mind repeating or restating the questions because the answers are less likely to be guesses when the facility contact fully understands what information I am looking for. OK, right now I want to take a photograph of that storage container in the corner. I may also want

to take a sample of its contents. I'll explain to the facility contact what I want to do and also tell him that they have the right to obtain a duplicate sample for their own analysis or have a copy of the photographs I take. This contact has brought along his own camera to take photos.

Well, the plant tour is over and now I'm going to review paperwork and records associated with hazardous waste management and disposal. Records I typically review include daily and weekly inspection reports of hazardous waste in storage, manifests and Land Disposal Restriction (LDR) notices, contingency plans, training records, laboratory analysis and material safety data sheets (MSDS). I need copies of these records and fortunately, the receptionist will make copies for me. Some facilities will take notes of which records I want copied to retain for their own files.

Finally, it's time for the final phase of the inspection, the exit interview. The facility contact has asked the paint booth operator to be present also. I explain to them my findings from the inspection; the types of wastes they generate and which ones are hazardous; what generator classification they belong to; the violations I found and I give them a deadline and specific actions they need to take to correct the violations. The facility contact will receive a copy of the Notice of Compliance/ Non-Compliance.

I'm done and it only took a couple of hours. These inspections can take as little as 1 hour or as long as 3 to 4 days. The length of time depends on the size of the facility and what generator category the business belongs to. Facilities with organized records that are easy to find always take less time and, I think, are less frustrating for both the facility and me. Well, I've got just enough time to investigate this new hazardous waste complaint on my way back to the office.

*We hope you consider the above information when taking pro-active steps to prepare for an inspection. We do provide generic copies of weekly inspection reports, emergency contact lists, contingency plans, and the criteria we use when evaluating contingency plans. If you would like a copy of any of the above items, please contact us at 785/ 296-1591 or e-mail us at [mbitney@kdhe.state.ks.us](mailto:mbitney@kdhe.state.ks.us). Your cooperation and compliance with the hazardous waste program is appreciated.*

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## ADDRESS CORRECTION REQUESTED



## Upcoming Events

**March 6-7, 2001**

**Code of Management Workshops for Silver and Mercury Dischargers.** Workshops for those businesses in the Kansas City and Lawrence areas subject to meeting pre-treatment permit requirements for discharging silver and/or mercury. For more information, call the KSU Small Business Environmental Assistance Program at (800) 578-8898.

**March 20-22, 2001**

**Recycling and Composting WORKS! 2001 Conference.** Annual Kansas Solid Waste Management Conference, Fort Hays State University, Hays, Kansas. Call Cathy Colglazier (785) 296-1600 for more information.

**April 24, 2001**

**Secondary Aluminum Production Industry Workshop.** Emporia, Kansas. Workshop will discuss how to comply with applicable air, water and waste regulations, and provide tips for pollution prevention and waste minimization. For more information call the KSU Small Business Environmental Assistance Program at (800) 578-8898.

## Workshops Anyone???

We have received several inquiries about when we are going to put on another generator workshop. We have also received complaints from some readers that we haven't given them enough notice (or it was a bad time). Those of you that would like us to conduct another workshop need to let us know. We would like you to contact us and let us know:

- (1) what areas would you like us to cover (review of all the regulations or just the new ones);
- (2) should special workshops be held for certain industrial sectors;
- (3) when is the best time of day for you to attend; and
- (4) what location works best for you (how far are you willing to travel?)

Please let us know before June 1<sup>st</sup> and we will provide the information in the Summer Edition of the newsletter. You can send us your thoughts by faxing them to us at 785/296-8642, e-mailing us at [mbitney@kdhe.state.ks.us](mailto:mbitney@kdhe.state.ks.us), calling us at 785/296-1591 or by sending us a letter. Our address is Hazardous Waste Connection, c/o Bureau of Waste Management, KDHE, Forbes Field, Bldg 740, Topeka, KS 66620. We look forward to hearing from you.

## ☎ Important Hazardous Waste (HW) Program Phone Numbers

### KDHE - Bureau of Waste Management

**Director** ..... Bill Bider ..... 785/296-1612  
**EPA ID numbers** ..... David Branscum ..... 785/296-6898  
**HW Complaints** ..... Lynda Ramsey ..... 785/296-0681  
**HW Reg Info** ..... George McCaskill ..... 785/296-1608  
**HW Generator Info** ..... Ron Smith ..... 785/296-1604  
**HW Transporter Info** ..... Linda Prockish ..... 785/296-0005  
**Newsletter Contact** ..... Mary Bitney ..... 785/296-1603  
**KDHE Public Advocate** ..... Janet Neff ..... 785/296-0669

### KDHE - District Office Inspectors

**Northeast - Lawrence** ..... 785/842-4600  
**Southeast - Chanute** ..... 316/431-2390  
**North Central - Salina** ..... 785/827-9639  
**South Central - Wichita** ..... 316/337-6020  
**Northwest - Hays** ..... 785/625-5663  
**Southwest - Dodge City** ..... 316/225-0596  
**KSU Pollution Prevention** ..... 785/532-6501  
or toll free for long distance ..... 800/578-8898